

BEFORE THE FEDERAL ELECTION COMMISSION
ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT

MUR: 7554

Respondents: Team Gayot
and Nancy Marks,
as treasurer (the "Committee")¹

Complaint Receipt Date: December 10, 2018

Response Date: N/A

EPS Rating:

**Alleged Statutory
Regulatory Violations:**

**52 U.S.C. § 30104(b)(8);
11 C.F.R. §§ 104.3(d), 104.11(a)-(b)**

The Complaint alleges that the Committee has failed to report certain outstanding debts in its campaign finance reports for services provided by Gotham Strategies, LLC.² The Committee did not respond to the Complaint.³

Based on its experience and expertise, the Commission has established an Enforcement Priority System using formal, pre-determined scoring criteria to allocate agency resources and assess whether particular matters warrant further administrative enforcement proceedings. These criteria include (1) the gravity of the alleged violation, taking into account both the type of activity and the amount in violation; (2) the apparent impact the alleged violation may have had on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in potential violations and other developments in the law. This matter is rated as low priority for Commission action after application of these pre-established criteria. Given that low rating and the

¹ Lutchi Gayot was a candidate for U.S. House in New York's ninth congressional district in 2018. He lost in the November 6, 2018, general election with 10.3% of the vote.

² Compl. at 1 (December 10, 2018). The Complaint attached an invoice to the campaign in the amount of \$2,750, dated April 18, 2018. *Id.* at 3.

³ To date, the Committee has not reported the debt as disputed or otherwise.

low dollar amount at issue,⁴ we recommend that the Commission dismiss the Complaint consistent with the Commission's prosecutorial discretion to determine the proper ordering of its priorities and use of agency resources.⁵ We also recommend that the Commission close the file and send the appropriate letters.

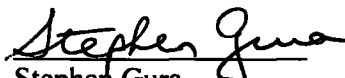
Lisa J. Stevenson
Acting General Counsel


Charles Kitcher
Acting Associate General Counsel


6.27.19

Date

BY:


Stephen Gura
Deputy Associate General Counsel


Jeff S. Jordan
Assistant General Counsel


Donald E. Campbell
Attorney

⁴ The amount of alleged debt in this matter does not reach a referral threshold for either the Office of General Counsel or the Office of Alternative Dispute Resolution. See 2017-2018 RAD Review and Referral Procedures (Standard 7).

⁵ *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).

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